

REMARKS

Claims 1 and 10-20 are pending in the application. Claims 1 and 19 have been amended by the present amendment to overcome pending rejections under 35 USC 112, second paragraph, as noted in the Final Office Action of 04/21/2005 and the Advisory Action of 08/22/2005. The amendments are fully supported by the specification as originally filed.

In the Final Office Action, claims 4-6 were objected to as being substantial duplicates of claims 10, 11, and 14. In response to the objection, claims 4-6 have been canceled without prejudice.

Claims 1, 4-6, and 10-18 were rejected under 35 USC 112, second paragraph, as being indefinite because the "plurality of different paths is confusing" in claim 1. It is believed that the amendments to claim 1 obviate this rejection, as discussed below.

As amended, claim 1 recites a thin film thickness measurement apparatus including a plurality of optical fibers (see FIGS. 7 and 8) for directing light from a light source onto a substrate and receiving light reflected from the substrate (see, e.g., specification at page 21, lines 22-23), including at least one optical fiber that guides light from the light source onto the substrate and at least one optical fiber that guides reflected light to an analyze unit (see specification at page 22, lines 2-30). Claim 1 (as amended) further recites a shutter for selectively blocking reflected light received by at least one of the optical fibers (see discussion of light restrictions shutters 4a, 4b on page 22, line 33 to page 23, line 5).

In other words, as recited in amended claim 1, the thickness measurement apparatus includes a plurality of optical fibers, where at least one optical fiber guides light from a light source onto the substrate. Light reflected by the substrate is received by at least one of the optical fibers, the reflected light being selectively blocked by a shutter and directed to an analyze unit.

In the Advisory Action of 08/22/2005, it was indicated that the Amendment filed on July 20, 2005 would introduce "112/2nd problems" (see Advisory Action, page 2).

Claim 1 has been amended in paragraph (a) to recite that at least one of the optical fibers guides the light from said light source *onto said substrate* and receives light reflected *from said substrate* (instead of "a plurality of sites"). Similarly, claim 19 has been amended to recite steps of "directing light from a light source substantially perpendicular to a substrate via at least one of the optical fibers," and "receiving light reflected from said substrate via at least one of the plurality of optical fibers." It is believed that the above amendment would overcome the Examiner's rejections, including the "112/2nd problems" noted in the Advisory Action.

Claims 1 and 19 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 4,787,749 to Ban et al. ("Ban") in view of Japanese Publication 61-165608 to "Aritoshi." Claims 4-6, 10-18, and 20 were rejected under 35 USC 103(a) as being unpatentable over Ban in view of Aritoshi, and further in view of Japanese Publication 7-294220 to Shigeki et al. These rejections are respectfully traversed.

Ban and Aritoshi, whether taken individually or in combination, do not teach or suggest a thickness measurement apparatus or method including a shutter for selectively blocking reflected light received by at least one of the optical fibers, as recited in claims 1 and 19.

In Ban, a fiber probe 3 receives light reflected from the surface of a sample 41, and this reflected light is received in a spectroscopy unit 1 (see Ban at column 4, lines 56-61; FIG. 3B). However, there is no teaching or suggestion of a **shutter** which selectively blocks the reflected light.

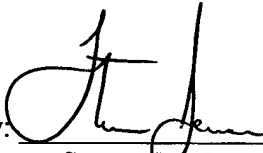
In Aritoshi, reflected light from a measured film 2 is transmitted to photosensors 8 through optical fiber 7 (see Abstract; FIG. 1). However, there is no teaching or suggestion of a **shutter** which selectively blocks the reflected light.

Therefore, even if Aritoshi were somehow combined with Ban, the proposed combination still would not teach or suggest a thickness measurement apparatus or method including a shutter for selectively blocking reflected light received by at least one of the optical fibers, as recited in claims 1 and 19.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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